
From: Phil Taylor [ptaylor@eenews.net]
Sent: Monday, November 21, 2011 11:55 AM
To: BOEMREFOIA
Cc: Schwartz, Melissa A
Subject: FOIA request

BOEM FOIA Officer
MS:2200
381 Elden Street
Herndon, VA 20170-4817
703-787-1689

November 18, 2011

Bureau of Ocean Energy Management

FOIA REQUEST
Fee benefit requested

Dear FOIA Officer:

Pursuant to the federal Freedom of Information Act, 5 U.S.C. § 552, I request access to and copies of any letter or documents from the Department of Defense (DOD) to the Bureau of Ocean Energy Management, or its predecessor, the Bureau of Ocean Energy Management, Regulation and Enforcement, discussing the DOD's perspectives on the planned lease of federal waters for oil and gas off the Virginia coast known as "Sale 220."

I agree to pay reasonable duplication fees for the processing of this request.

As a representative of the news media I am only required to pay for the direct cost of duplication after the first 100 pages. Through this request, I am gathering information that is of current interest to the public.

If my request is denied in whole or part, I ask that you justify all deletions by reference to specific exemptions of the act. I will also expect you to release all segregable portions of otherwise exempt material. I, of course, reserve the right to appeal your decision to withhold any information or to deny a waiver of fees.

As I am making this request as a journalist and this information is of timely value, I would appreciate your communicating with me by telephone, rather than by mail, if you have questions regarding this request.

As a journalist, I am primarily engaged in disseminating information. The public has a need for information about the reasoning by which the Obama administration decided to exclude the Atlantic Ocean from current and/or future oil and gas leasing because energy production is integral to the nation's economy and has the potential to create many new jobs at a time of high unemployment. It is also imperative that the public understand the social and environmental risks associated with oil and gas development off the coast of Virginia. I certify that my statements concerning the need for expedited processing are true and correct to the best of my knowledge and belief.

I look forward to your reply within 20 business days, as the statute requires.

11/21/2011

Thank you for your assistance.

Sincerely,

Phil Taylor

Philip A. Taylor
Interior Reporter
ptaylor@eenews.net
202-446-0439 (o)
202-903-1518 (c)
202-737-5299 (f)

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ClimateWire, E&E Daily, Greenwire, E&ENews PM, E&ETV, Land Letter

From: [Melendy, Rosemary](#)
To: [Alcantara, Natasha Y](#); [Peterson, Jodie F](#)
Subject: Keeping Your PA Office Informed of Media Requests
Date: Thursday, April 5, 2012 4:47:57 PM

Dear Tasha and Jodie,

If you aren't already doing it, please let your local Public Affairs Officer know when you receive FOIA requests from news organizations. They have to keep abreast of media interest in the bureau and may know about publicly available materials that could satisfy the request, or may be able to provide helpful insight in cases where you need to talk to media requesters about clarifying or narrowing the scope of vague or overly broad requests.

Please also give them a "heads up" when you're getting ready to send the responsive material to the requesters so they can prepare for any questions from the press that may arise from the release of information. Depending on the topic, the public affairs officer may want a copy of the released material, too.

I spoke to Mike when I was in New Orleans about this and he already knew to do it, so if you already knew, too, please excuse the repetition. The BOEM PA Office provided this advice to me so I wanted to share it with you, too.

Thanks.

Rosemary

Rosemary Melendy
FOIA/Privacy Act Officer
Bureau of Ocean Energy Management (BOEM)
Rosemary.Melendy@BOEM.gov
(703) 787-1315

BOEM FOIA OFFICE
Freedom of Information Act (FOIA) Search Request

Date: 5/1/12

FOIA Request No: MMS-2012-00029

Requester's Name: Phil Taylor

To: Ralph Murphy, IMD

Due Date: 5/7/12 or sooner (Date we need your office's consolidated response.)

If you have any questions, please contact: Rosemary Melendy on x7-1315, or Madeline Bush on x7-1818.

Please return your response to: BOEM FOIA Office, HM-3127, Atrium Bldg.

PLEASE:

- See instructions for completing this search on pages 3 and 4.
- Complete page 2 and return it with the responsive material when your search is completed. The person responsible for conducting or overseeing search must sign the certification statement at the bottom of page 2.
- Send a single, consolidated office response for all branches and divisions within the same office the conducted searches.
- Search all appropriate files in your office for the requested records. If you need additional clarification regarding what the requester is seeking, or if you identify a voluminous amount of responsive material, please notify us immediately and provide us within 5 days of the date of this search request, as appropriate: 1) an estimate of the page total; 2) an estimate of the staff hours needed to complete the search and the grade level(s) of the person(s) conducting the search; and/or 3) suggestions for refining or narrowing the scope of the request. We will contact the requester to see if he/she will agree to narrow the scope. If the requester has not agreed to pay the estimated costs or justified a fee waiver, we will also ask the requester to address fees.
- Refer to the FOIA request number above in all communications concerning this request.

Special Instructions/Comments: Please use the following search terms initially and then identify responsive records from the results of each search: "Sale 220," "Oil and Gas Program for 2007-2012," "Oil and Gas Leasing Program for 2007-2012," "Oil and Gas Leasing Program for July 2007 through June 2012," "220 EIS," "DOD," "Department of Defense," "Mid-Atlantic Planning Area," "VACAPES."

Attachment(s): ☒ FOIA Request
☐ Other

RESULTS OF SEARCH/REVIEW

1. Total number of responsive documents _____ and pages _____ located (paper & electronic)

2. Search Time: Hours spent searching for responsive records: _____. Performed at (check one*):

- ☐ **Clerical level** (GS-1 – GS-7)
☐ **Professional level** (GS-8 – GS-12)
☐ **Managerial level** (GS-13 & above)

3. Review Time (if applicable): Hours spent reviewing records = _____. Performed at (check one*):

- ☐ **Clerical level** (GS-1 – GS-7)
☐ **Professional level** (GS-8 – GS-12)
☐ **Managerial level** (GS-13 & above)

** If multiple levels of employees conducted the search and/or review, please indicate at which levels and the hours for each in the comments field below.*

4. (Check all that apply)

☐ **Total Release.** Attach record(s) that you recommend we release in full to the requester under a coversheet titled, "Total Grant."

☐ **Partial Release.** Attach record(s) that you recommend we deny in part. Place (penciled) brackets around the information that you recommend we deny, or highlight the information electronically. Include the applicable FOIA exemption(s) in the margins near the brackets, or provide a description of the harm that would result if the information were released. Provide both a clean copy and an annotated copy of these records under a coversheet titled, "Partial Grant."

☐ **Full Denial.** Attach record(s) that you recommend we withhold in full and either identify the applicable FOIA exemptions(s), or provide a description of the harm that would result if the information were released. Place a copy of these records under a coversheet titled, "Denial."

☐ **No Records.** A thorough search of all records systems reasonably calculated to contain the requested records resulted in no responsive records being found. Please state below what records systems were searched, and how the search was conducted. Include the type of records systems searched (i.e., paper files, database, email, etc.) as well as the terms used to conduct the search.

Comments for FOIA Office: _____

Certification of Manager or Subject Matter Expert Responsible for Overseeing or Conducting the Search

I certify that all appropriate records systems have been searched and copies of all responsive records have been provided to the BOEM FOIA Office along with any disclosure recommendations we wish to provide.

Signature

Title

Date

Phone Number

INSTRUCTIONS FOR CONDUCTING SEARCH

- Unless the requester has specified a time frame for the requested records ending on or before the date of the request, the cut-off date for retrieving responsive records is the date the search is conducted (see 43 CFR § 2.21).
- If the requester has set a fee limit, notify us immediately if that limit has or will soon be reached (see section on “Fees” below).
- Notify us immediately if you have reason to believe that other offices or bureaus may have responsive material so that we can send the request to them for processing. Also, if you are aware of other agencies that may have responsive material, please include that information in your response so we can notify the requester accordingly.
- Review the material that you locate for release to the requester and provide any release/denial recommendations in your consolidated response.
- Record all time spent searching for responsive records along with the grade level(s) of the employee(s) conducting the search.
- Record all time spent reviewing the responsive material for releasability along with the grade level(s) of the employee(s) conducting the review.
- Provide copies (never originals) of all responsive records with your response to the FOIA Office. You may provide them in hard copy or electronic format (preferably in searchable PDF format on CD), or via email. If the requester has asked for records in electronic format and the records already exist in that format, please make every attempt to provide them in the format requested. Please make every attempt to provide any emails in PDF format rather than Outlook format to preserve their integrity.
- Where appropriate and easily done, please provide the responsive records in chronological order, or contact the BOEM FOIA Office to discuss the best way to organize and produce the responsive material.

THIS SECTION TO BE COMPLETED BY BOEM FOIA OFFICE

Processing Track: Complex. In accordance with 43 CFR § 2.26, BOEM uses multiple processing tracks. Requests are placed in tracks based on the amount of time needed to process the request: Simple = 1-5 workdays; Normal = 20 workdays; Complex = Over 20 workdays. A requests may be granted expedited processing when it meets statutory and regulatory requirements (see 43 CFR § 2.14). If expedited processing is granted, the request is given priority and is processed ahead of non-expedited requests already pending because the requester has shown a compelling need for the records.

Time Limits and Extensions: The 20-workday time limit begins to run when a request that complies with DOI's FOIA regulations at 43 CFR Part 2 is received by the proper BOEM FOIA contact. We may extend the time limit for 10 more workdays when we need to: (1) Search for and collect the requested records from multiple offices; or (2) Search for, collect, and examine a voluminous amount of separate and distinct records sought in a single request; or (3) Consult with another agency having a substantial interest in the determination of the request, or with one or more DOI bureaus having substantial subject-matter interest in the request. We must notify the requester in writing within 20 workdays that we are taking the extension, the reason why (i.e., reason 1, 2 or 3 above), and the date we expect to make the final response. If we fail to respond within 30 workdays, we must keep the requester informed about when we expect to send the final response and advise him/her of the right to appeal the constructive "denial" of the request.

An extension was: Taken ____ Not Taken X

Fees: FOIA fees are calculated according to the category assigned to a requester (see chart below for fees chargeable in each category). No charge is made if total billable costs are \$30 or less, or if fees are waived.

Fee Waiver: Granted in Full: ____ Granted in Part ____ Denied ____ N/A X

Fee Limit (amount requester agreed to pay) All

Fee Category News Media

Calculating Search and Review Costs: Only commercial-use requesters are charged review costs. However, all costs should be recorded in the electronic FOIA tracking system as a cost to BOEM, so please include them in your response. Search and review costs are assessed according to 3 groups:

- 1) **Clerical:** GS-1 – GS-7
- 2) **Professional:** GS-8 – GS-12
- 3) **Managerial:** GS-13 and above

DOI updates rates for search and review time when Congress enacts Federal salary increases. Current rates are posted at <http://www.doi.gov/foia/fees.html>. Fees charged for each category are summarized below:*

Fee Category	Pays Search Fees	Pays Review fees	Pays Duplication Fees
Commercial Use	Yes	Yes	Yes
Educational Institution	No	No	Yes (after first 100 pages or equivalent are provided free).
Non-Commercial Scientific Institution	No	No	Yes (after first 100 pages or equivalent are provided free).
News Media	No	No	Yes (after first 100 pages or equivalent are provided free).
All Others	Yes (after first 2 hours are provided free)	No	Yes (after first 100 pages or equivalent are provided free).

*Remember – no fee is charged if billable costs are \$30 or less.



United States Department of the Interior

BUREAU OF OCEAN ENERGY MANAGEMENT
WASHINGTON, DC 20240-0001

In Reply Refer to:
Mail Stop HM 3127

May 14, 2012

Philip A. Taylor
Interior Reporter
Environment & Energy Publishing, LLC
122 C Street, NW, Suite 722
Washington, DC 20001

RE: FOIA Request No. MMS-2012-00029

Dear Mr. Taylor:

This letter is in response to your FOIA request dated November 21, 2011 for any letter or document from the Department of Defense (DoD) to the Bureau of Ocean Energy Management (BOEM) discussing DoD's perspectives on the planned lease of Federal waters for oil and gas off the Virginia coast known as "Sale 220."

BOEM has located six documents that appear responsive to your request. All of these documents originated with other agencies. In accordance with the Department of the Interior's FOIA regulations (43 CFR § 2.22(b)(2)), we have referred these documents to their originating agencies – DoD (three documents) and the Department of the Navy (three documents) – for review and direct response to you. Below is their contact information should you wish to inquire about these referrals:

DoD FOIA Office:

OSD/JS FOIA Requester Service Center
Office of Freedom of Information
1155 Defense Pentagon
Washington, DC 20301-1155
Toll-Free: (866) 574-4970; Commercial: (571) 372-0462
Fax: (571) 372-0500

Department of the Navy FOIA Office:

Ms. Robin Patterson
FOIA Contact, Chief of Naval Operations
(DNS-36)
2000 Navy Pentagon
Washington, DC 20350-2000
Toll-Free: (866) 574-4970; Commercial: (202) 685-0412
Fax: (571) 372-0500

This concludes the processing of your request. If you consider this response to be a denial of your request, you may file an appeal by writing to the Department of Interior's FOIA Appeals Officer. The FOIA Appeals Officer must receive your FOIA appeal no later than 30 workdays from the date of this final letter responding to your FOIA request. Appeals arriving or delivered after 5 p.m. E.T., Monday through Friday, will be deemed received on the next workday. Your appeal must be in writing and addressed to:

Freedom of Information Act Appeals Officer
Department of the Interior
Office of the Solicitor
1849 C Street, NW, MS 6556
Washington, DC 20240

You must include with your appeal copies of all correspondence between you and the bureau concerning your request, including a copy of your original request and this letter. Failure to include this documentation with your appeal will result in the Department rejecting your appeal. The appeal should be marked, both on the envelope and the face of the letter, with the words: "FREEDOM OF INFORMATION APPEAL." Your letter should include in as much detail as possible any reason(s) why you believe the bureau's response is in error.

We placed your request in the "news media" category for fee purposes. As a "news media" requester, you are entitled to the first 100 pages of duplication at no charge. Inasmuch as fewer than 100 pages of responsive records have been duplicated, this request has been processed at no charge to you.

Please be advised that BOEM maintains a "Multipurpose Marine Cadastre" website containing DoD data related to the topic of your request. The site contains a map showing those portions of BOEM's six Planning Areas (including the area

covered by Sale 220) in which DoD has determined that its offshore activities are not compatible with oil and gas activities and infrastructure. To access this site go to the link below. After reading the "Disclaimer" click "Continue." On the next page, click the plus sign (+) next to "Human Use" (on left) to view "DoD Oil and Gas Stipulations." It sometimes takes several seconds for data to load and display on the page:

<http://csc.noaa.gov/mmcviewer/?XY=-81.00714862466377;33.20866151030241&level=6&basemap=Ocean&layers=CS C=0,43;HereIsMyMap>

If you have any questions concerning this response, please contact me on (703) 787-1315; or via email at rosemary.melendy@boem.gov; or via postal mail at: Bureau of Ocean Energy Management; Atrium Building, MS: HM-3127; 381 Elden Street; Herndon, VA 20170.

Sincerely,

A handwritten signature in cursive script that reads "Rosemary Melendy".

Rosemary Melendy, FOIA/PA Officer
Bureau of Ocean Energy Management

cc: OSD/JS FOIA Requester Service Center
FOIA Contact, Chief of Naval Operations



United States Department of the Interior

BUREAU OF OCEAN ENERGY MANAGEMENT
WASHINGTON, DC 20240-0001

In Reply Refer to:
Mail Stop HM 3127

May 29, 2012

Philip A. Taylor
Interior Reporter
Environment & Energy Publishing, LLC
122 C Street, NW, Suite 722
Washington, DC 20001

RE: FOIA Request No. MMS-2012-00029

Dear Mr. Taylor:

I refer to our letter to you dated May 14, 2012 responding to your FOIA request dated November 21, 2011 for letters or documents sent from the Department of Defense (DoD) to the Bureau of Ocean Energy Management (BOEM) discussing DoD's perspectives on the planned lease of Federal waters for oil and gas off the Virginia coast known as "Sale 220."

Subsequent to completing your request, we located one additional document that appears responsive to your request. This document originated with DoD. We apologize for this inadvertent oversight. In accordance with the Department of the Interior's FOIA regulations (43 CFR § 2.22(b)(2)), we have referred this additional document to DoD for review and direct response to you. Below is their contact information should you wish to inquire about this referral:

OSD/JS FOIA Requester Service Center
Office of Freedom of Information
1155 Defense Pentagon
Washington, DC 20301-1155
Toll-Free: (866) 574-4970; Commercial: (571) 372-0462
Fax: (571) 372-0500

If you have any questions concerning this matter, please contact me at (703) 787-1315; or via email at rosemary.melendy@boem.gov; or via postal mail at: Bureau

of Ocean Energy Management; Atrium Building, MS: HM-3127; 381 Elden Street; Herndon, VA 20170.

Sincerely,

A handwritten signature in cursive script, reading "Rosemary Melendy".

Rosemary Melendy, FOIA/PA Officer
Bureau of Ocean Energy Management

cc: OSD/JS FOIA Requester Service Center

REQUEST NO. MMS-2012-00029 REQUESTER'S NAME/ORG: Phil Taylor, Enviroment & Energy News

BRIEF TITLE (REQUEST'S SUBJECT): Sale 220

REC'D: 11/29/11 DATE DUE: 12/28/11 COMPLETED: 5/14/12 CAT: Media \$ LIMIT: _____ WVR GRNTD: Y/N

SEARCH OFFICE + SEARCHER'S NAME	DATE SENT	DATE RET'D	# RECORDS/ PAGES	SEARCH TIME	STATUS/COMMENTS/SEARCH TIME
OSRP – Renee Orr	12/2/11	1/31/12	0/0		
OSRP/LD – Steve Textoris	12/2/11	5/7/12	0/0		
OSRP/LD – Jully McQuilliams	12/2/11	5/8/12	0/0		
OSRP/LD – Cable, Samuel	12/13/11	3/1/12	0/0		
OSRP/LD – Roberts, Jane	12/13/11	1/31/12	5/16		
OSRP/LD – Scholten, Terry	12/13/11	1/31/12	0/0		
OSRP/LD/MBB – Taylor, C.	2/7/12	2/8/12	0/0		Was consulted about docs located by others
OREP/REB – Michelle Morin	12/13/11	1/31/12	0/0		
OEP/EAD – Valdes, Sally	12/13/11	1/31/12	7/9		Sent docs in 2 transmissions
OSRP/RED – Harold Syms	12/13/11	1/31/12	0/0		
GOMR – Thomas Bjerstedt	12/13/11	1/31/12	57/204		Searcher is NEPA Coordinator for Sale 220 EIS
DIR – Walter Cruickshank	5/3/12	5/10/12	15/36		
DIR – Former Directors' Electronic Archives	5/4/12	5/10/12	5/8		Madeline Bush performed the search
Secretary to BSEE Director (Michael Barre)	Forwarded by Sue Fitzgerald 5/24/12	5/25/12	1/19		Document was responsive so even though BSEE located it, we referred it to DoD for direct response and notified requester.

REVIEW OFFICE(S)	DATE SENT	DATE RET'D	NAME OF ATTORNEY/REVIEWER	STATUS/COMMENTS/REVIEW TIME
SOL-DMR	5/9/12	5/11/12	Tim Baker	Cleared on interim response. I added final response language. Of 82 documents located, 6 were responsive. Others were duplicate or internal documents or did not provide DoD perspective on Sale 220. RMelendy